



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

ELP

Docket No. 1700-99

30 July 1999

From: Chairman, Board for Correction of Naval Records  
To: Secretary of the Navy

Subj: REVIEW OF NAVAL RECORD OF [REDACTED]

Ref: (a) 10 U.S.C.1552

Encl: (1) DD Form 149 w/attachments  
(2) Case Summary  
(3) Subject's naval record

1. Pursuant to the provisions of reference (a), Petitioner, a former enlisted member of the United States Marine Corps, applied to this Board requesting, in effect, that his reenlistment code be changed.

2. The Board, consisting of Messrs. Lightle, Lippolis, and Neuschafer, reviewed Petitioner's allegations of error and injustice on 28 July 1999, and pursuant to its regulations, determined that the corrective action indicated below should be taken on the available evidence of record. Documentary material considered by the Board consisted of the enclosures, naval records, and applicable statutes, regulations and policies.

3. The Board, having reviewed all the facts of record pertaining to Petitioner's allegations of error and injustice finds as follows:

a. Before applying to this Board, Petitioner exhausted all administrative remedies available under existing law and regulations within the Department of the Navy.

b. Although it appears that Petitioner's application to the Board was not filed in a timely manner, it is in the interest of justice to waive the statute of limitations and review the application on its merits.

c. Petitioner enlisted in the Marine Corps on 3 August 1978 for three years as a PFC (E-3).

d. The record reflects that he was advanced to LCPL (E-3) and served without incident until 27 July 1979, when he was notified that he was being processed for administrative discharge by reason of convenience of the government due to pseudofolliculitis barbae. He was advised of his procedural rights and declined to consult with counsel or submit a statement in his own behalf. Thereafter, the commanding officer recommended an honorable discharge and stated that Petitioner was unable to meet Marine Corps grooming standards due to his condition. The Bureau of Medicine and Surgery advised the Commandant of the Marine Corps (CMC) that there was no reason Petitioner should not be discharged. On 2 October 1979, CMC directed separation with an honorable discharge. The type of reenlistment code to be assigned was not specified. Petitioner received an honorable discharge on 15 October 1979 and was assigned an RE-3B reenlistment code. A separation code of JFV6 shown on his DD Form 214 indicates his discharge was because of a physical condition which is not disabling.

e. An RE-3B is assigned when there was a military or civil record of in-service drug involvement and there is potential for further service. An RE-3P is assigned to individuals who fail to meet physical (medical) standards, including pseudofolliculitis barbae.

#### CONCLUSION:

Upon review and consideration of all the evidence of record, the Board concludes that Petitioner's request warrants favorable action. In this regard, the Board notes there is absolutely no evidence of any in-service drug involvement in Petitioner's record, therefore, the assigned reenlistment code appears to be improper. The Board concludes Petitioner should have been appropriately assigned an RE-3P reenlistment code to correspond with the reason for his discharge.

In view of the foregoing, the Board finds the existence of an injustice warranting the following corrective action.

#### RECOMMENDATION:


a. That Petitioner's naval record be corrected by changing his RE-3B reenlistment code, assigned on 15 October 1979, to RE-3P. This should include the issuance of a new DD Form 214.

b. That any material or entries inconsistent with or relating to the Board's recommendation be corrected, removed or completely expunged from Petitioner's record and that no such entries or material be added to the record in the future.

c. That any material directed to be removed from Petitioner's naval record be returned to the Board, together with a copy of this Report of Proceedings, for retention in a confidential file maintained for such purposes, with no cross references being made a part of Petitioner's naval record.


4. It is certified that a quorum was present at the Board's review and deliberations, and that the foregoing is a true and complete record of the Board's proceedings in the above entitled matter.

ROBERT D. ZSALMAN  
Recorder



ALAN E. GOLDSMITH  
Acting Recorder

5. Pursuant to the delegation of authority set out in Section 6(e) of the revised Procedures of the Board for Correction of Naval Records (32 Code of Federal Regulations, Section 723.6 (e)) and having assured compliance with its provisions, it is hereby announced that the foregoing corrective action, taken under the authority of reference (a), has been approved by the Board on behalf of the Secretary of the Navy.



W. DEAN PFEIFFER  
Executive Director